

ABUSE-NEGLECT SAMPLE POLICY

POLICY

In compliance with **9 CSR 10 5.200**, it shall be the policy of the _____ that abuse or neglect of individuals served in this organization is strictly prohibited. Any form of abuse or neglect toward the individuals we serve will not be tolerated by employees or others with whom they reside. **The Administrator, in cases of alleged or suspected sexual abuse, abuse or neglect which results in physical injury, or abuse, neglect or misuse of funds/property which may result in a criminal charge, will immediately report to the local law enforcement official and shall work cooperatively with any police investigation.**

DEFINITIONS

- A. **Class I Neglect:** failure of **an employee** to provide reasonable and necessary services to maintain the physical and mental health of any consumer when that failure presents either imminent danger to the health, safety, or welfare of a consumer, or a substantial probability that death or physical injury would result. Examples: failure to provide medical care; staff not showing up for shift causing individual to be locked out of the home, exposed to the environment.
- B. **Class II Neglect:** failure of **an employee** to provide reasonable or necessary services to a consumer according to the individualized treatment or habilitation plan, if feasible, or according to acceptable standards of care. This includes action or behavior which may cause psychological harm to a consumer due to intimidating, causing fear, or otherwise creating undue anxiety.
- C. **Misuse of funds/property:** the misappropriation or conversion of a consumer's funds or property **by an employee** or **employees with or without the consent of the consumer**.
- D. **Physical Abuse:** **1.** An employee purposefully beating, striking, wounding or injuring any consumer; or **2.** In any manner whatsoever an employee mistreating or maltreating a consumer in a brutal or inhumane manner. Physical abuse includes handling a consumer with any more force than is reasonable for a consumer's proper control, treatment or management.
- E. **Sexual abuse:** any touching, directly or through clothing; of a consumer **by an employee** for sexual purpose or in a sexual nature. This includes but is not limited to:
 - a. Kissing;
 - b. Touching of genitals, buttocks, or breasts;
 - c. Causing a consumer to touch the employee for sexual purposes
 - d. Promoting or observing for sexual purpose any activity or performance involving consumers including any play, motion picture, photography, dance, or other visual or written representation
 - e. Failing to intervene or attempt to stop **or encouraging** inappropriate sexual activity or performance between consumers

- F. Verbal abuse:** An employee using profanity or speaking in a demeaning, nontherapeutic, undignified, threatening or derogatory manner to a consumer or about a consumer in the presence of a consumer.
- G. Medication Error:** a mistake in prescribing, dispensing, or administering medications. A medication error occurs if a consumer receives an incorrect drug, drug dose, dosage form, quantity, route, concentration, or rate of an administration. This includes failing to administer the drug or administering the drug on an incorrect schedule. Levels of medication errors are:
- A. Minimal medication error", is one in which the consumer experiences no or minimal adverse consequences and receives no treatment or intervention other than monitoring or observation;
 - B. "Moderate medication error", one in which the consumer experiences short-term reversible adverse consequences and receives treatment and or intervention in addition to monitoring or observation; and
 - C. "Serious Medication Error": Serious medication errors may be considered abuse or neglect and shall be subject to investigation by the Department of Mental Health.

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PROCEDURES

1. Any employee, including employees receiving complaints, who know, suspect, or have reasonable cause to believe that an individual of this facility has been subjected to verbal abuse, physical abuse, sexual abuse, Class I neglect, Class II neglect, or misuse of consumer funds/property, shall immediately report this to the Administrator/QMRP or their immediate supervisor. The individual making the report shall also complete an event report form. Complaints of psychological abuse or punishment (not involving abuse or neglect) shall be reported in writing to the Administrator/QMRP or their immediate supervisor.
2. Employees who fail to report incidents or suspected incidents of abuse, neglect, or punishment are subject to disciplinary action or criminal prosecution or both.
3. Any person, to include an employee of this organization, may file a complaint and provide it to the Administrator/QMRP.
4. The event report form to the Administrator/QMRP shall contain the name of the individual alleged to have been abused or neglected, the nature of the abuse or neglect, the name of the complainant, date of the complaint, when and where the alleged abuse or neglect took place, name of witnesses, and other information to aid the investigation. Complaints of psychological abuse shall also contain the above information.

5. The Administrator shall immediately forward the complaint to the Rolla Regional Center (573) 368-2200.
6. Administrator/QMRP shall:
 - a. Examine the individual for injuries,
 - b. Request the agency RN examine the individual for any physical injury. If needed, the RN shall enter in the progress notes for the individual to be seen by a physician within 24 hours.
 - c. If in the Executive Director's opinion, physical injury is apparent **or sexual injury has occurred**, a physician will be contacted for an immediate examination.
 - d. The reports from the physician shall be made available to the Rolla Regional Center. In all instances, the Rolla Regional Center will be contacted.
 - e. Immediately notify the parents of minor individuals & legal guardians of consumer.
7. In the event there is sufficient cause to request an investigation the Administrator shall:
 - a. Have any signs of physical injury photographed.
 - b. Suspend the employee involved in the alleged incident, **if the alleged incident could in any way cause undue anxiety to the consumer**, pending the outcome of the investigation. The employee shall provide a phone number & address of where he/she may be reached.
8. Upon completion of the investigation, the accused employee(s) will be advised of the results of the investigation and a copy of the results placed in a separate personnel file .
9. If the Regional Center Administrator finds the employee has committed physical abuse, sexual abuse, Class I neglect, or misuse of consumer funds/property, the employee will be dismissed. Their name will be placed on the department Family Care Safety Registry. **In cases of abuse, they will be reported to the local law enforcement and criminal charges may occur.**
10. If the Regional Center finds that the employee has committed verbal abuse or Class II neglect, the Administrator will discipline the employee according to disciplinary policy. Two counts of Class II neglect, two counts of verbal abuse, or one count verbal abuse and one count of Class II neglect, in a 12 moth period will result in employment termination and the perpetrator's name shall be placed on the department Family Care Safety Registry.
11. The complaint reports and investigative reports shall be confidential & shall be retained by the appointed authority. The name of the complainant & other persons mentioned in the complaint shall not be disclosed except as necessary to process the complaint.

12. After investigations are completed and after the effecting date of the disciplinary actions, the Administrator may notify the parent, guardian or protector of the disposition.

NOTE: Incidents or suspected incidents of abuse or neglect which occur in other community programs and/or in family homes for persons who are 18 years of age or under, must be reported to the Department of Social Services, Children's Division hot line (1-800-392-3738). For persons over 18, the incident must be reported to the Division of Health and Senior Services hot line (1-800-392-0210), regardless of the age of the individual. Any incident or suspected incident must be reported to the Regional Center responsible for the individual.

Employees may appeal Regional Center substantiation. Information on appeals will be provided by the Regional Center.